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48933-2012

Corbin Davis  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

**RE: ADM File No. 2008-28 – Proposed Amendment of Rule 6.005 of the Michigan Court Rules**

Dear Clerk Davis:

At its March 29, 2011 meeting, the Executive Committee of the State Bar of Michigan considered the above rule amendment published for comment. In its review, the Executive Committee considered recommendations from the Criminal Jurisprudence & Practice Committee, the Appellate Practice Section, and the Criminal Law Section. The Executive Committee voted to oppose the proposed amendment.

A primary concern was the impact of the proposed rule change on the workload of appointed counsel. The system for compensation of attorneys for indigent criminal defendants is so strained in most parts of the state, and likely to become more so in the immediate future, that the additional requirement that this proposed rule change represents, while admirable in its goals, is likely to impose a requirement for work that will not be compensated. Even if funding for indigent defense was not already woefully inadequate, but, given that there are separate funding mechanisms for trial and appellate work for indigent criminal defense, it is likely that a trial attorney would not even have an opportunity to submit a bill for compensation for work performed after the trial phase.

The Bar also concurs with Mr. Baughman's points concerning the exclusion of retained counsel, and would appreciate an opportunity to work on the underlying issues if the Court declines to adopt the proposal as published and wishes to extend its consideration of the file.

We thank the Court for its publication of the proposed amendment. Please contact me with any further questions.

Sincerely,



Janet Welch  
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court  
W. Anthony Jenkins, President